MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

April 12, 1962 10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Pro-tem Perry presiding.
Roll call:

Present: Councilmen Armstrong, Shanks, White, Mayor Pro-tem Perry

Absent: Mayor Palmer

Present also: Reuben Rountree, Jr., Acting City Manager; Doren R. Eskew, City Attorney; Robert A. Miles, Chief of Police

MR. ROBERT ZABEL appeared before the Council and suggested that in order to provide more parking spaces that the space at the end of each street be reserved for parking foreign cars. The City Attorney explained this would be against the State Iaw as there were uniform regulations that 20 feet from the intersections had to be kept clear. Mr. Zabel asked that the islands around town not be covered with cement but be planted with flowers or grass. The Acting City Manager, Mr. Reuben Rountree, Jr., stated to use the cement reduced the maintenance cost. Mr. Zabel asked the Council to reconsider their action of a few weeks ago establishing 30' width for paving of East 45½ Street. He stated the people did not want the trees cut down. Councilman Shanks inquired if the City could put a collar around the trees. Mr. Rountree explained that one tree would be completely in the street and it had been the policy of the City to remove all trees in the streets for traffic safety.

MR. BOW WILLIAMS asked that something be done about 24th Street as the traffic was very heavy. Mr. Rountree stated this was being worked on and was in the future plan. The Council took this under study.

MR. JOT HODGES asked permission to have a non-stop caravan parade Saturday, April 14th at 4:00 P.M. He asked that they be permitted to go in a caravan down Congress Avenue from the Capitol to Zilker Park. He stated there would be 3 buses and about 50 cars and it would be for a political rally. The Council discussed at length the policy of permitting this type of parade. It was brought out that in the past it had been the policy not to grant these requests except for national candidates. Objections to this type of parade were traffic safety, inconvience to the public, and shortage of police personnel to handle them. Also this would be setting a precedent and every candidate for office would have the same right. Mr. Hodges asked the Council not to consider this as an individual request but to establish a policy. Mayor Perry felt the

City Manager should make a study of this before a policy was set. After discussion, Councilman Armstrong moved that due to the changing complection of Austin, that any group be permitted to move down Congress Avenue with their lights on. Councilman Shanks moved that Councilman Armstrong's motion be amended to deny the request for the parade. Roll call on the amended motion to deny the request for the parade but to permit any group to move down Congress Avenue in a caravan with their lights on showed the following vote:

Ayes: Councilmen Armstrong, Shanks

Noes: Councilman White, Mayor Pro-tem Perry

Absent:Mayor Palmer

Mayor Perry announced that the motion had failed to carry for lack of a majority and he asked that a study be made.

MR. M. L. McGEE, 2212 Willow Street, appeared and protested charges for garbage collection. He did not want the charge to be the same for every one as some people had more garbage to be collected than others. It was explained to Mr. McGee that the charges had not been set and the Council was still making a study of this.

Mayor Pro-tem Perry read a telegram from Mayor Palmer; Mr. W. T. Williams, Jr., City Manager and Mr. Norman Barker, Finance Director, as follows:

"Had wonderful reception at credit rating services. All have high regard for Austin and its administration. Meetings with Bankers on other aspects of city business were encouraging. Will miss being with all of you at Council Meeting but will be in Austin, Texas, Friday."

Councilman White offered the following resolution and moved its adoption: (RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of theCity of Austin hereby approves the property situated on the south side of East 1st Street as a private gasoline plant consisting of one (1) 500 gallon tank and one (1) electric pump for the sole purpose of servicing their own motor equipment, and from which no gasoline is to be sold, which property is owned by Fox and Hearn, and is a part of the Edgar Fox Tract, in Cutlot 65, Division O, of the City of Austin, Travis County, Texas, and hereby authorizes the said Fox and Hearn to operate a private gasoline plant consisting of one (1) 500 gallon tank and one (1) electric pump for the sole purpose of servicing their own motor equipment, and from which no gasoline is to be sold, subject to the same being operated in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this private gasoline plant after full compliance with all the provisions of this resolution, and said

permission shall be held to be granted, and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said Fox and Hearn has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas April 11, 1962

"Mr. W. T. Williams, Jr. City Manager Austin, Texas

"Dear Sir:

"I, the undersigned, have considered the application of Fox and Hearn, Mechanical Contractors, for permission to operate a private gasoline plant consisting of one (1) 500 gallon underground tank and one (1) electric pump for the sole purpose of servicing their own motor equipment and from which no gasoline is to be sold, upon property located on the south side of East 1st Street, which property is designated as a part of the Edgar Fox Tract, in Outlot 65, Division O, in the City of Austin, Travis County, Texas, and locally known as 3111 East 1st Street.

"This property is located in a "C" Commercial Area and I recommend that this permit be granted subject to the following conditions:

- "(1) That the gasoline tanks and pumps shall be of an approved type and shall bear the label of the Underwriters Laboratories, Inc., and that all tanks and pumps shall be installed in compliance with the Ordinance governing the storage and handling of gasoline.
- "(2) That all tanks and pumps shall be located not nearer than 10 feet to the property line and so located that cars stopped for the purpose of unloading or receiving gasoline or other supplies shall not in any way obstruct the free passage of traffic on either the sidewalk, street, or alley.
- "(3) That "NO SMOKING" signs shall at all times be prominently displayed and no person shall be permitted to smoke on the premises where gasoline is handled or stored.
- "(4) That all fees shall be paid and a permit secured from the Building Inspector's Office before any installation work is started, and that no equipment shall be placed in operation until after final inspection and approval of same.

"Respectfully submitted, s/ Dick T. Jordan Building Official"

The motion, seconded by Councilman Armstrong, carried by the following vote:

Ayes: Councilmen Armstrong, Shanks, White, Mayor Pro-tem Perry

Noes: None

Absent: Mayor Palmer

Councilman Armstrong offered the following resolution and moved its adoption:

## (RESOLUTION)

WHEREAS, an easement for public utility purposes was granted the City of Austin in, upon and across four strips of land five (5.00) feet in width, same being out of and a part of Lots 2 and 3, Block 13, and Lots 44 and 43, Block 12, all of Chernosky Subdivision No. 17, said Chernosky Subdivision No. 17 being a subdivision out of and a part of the Santiago Del Valle Grant, in the City of Austin, Travis County, Texas, according to a map or plat of said Chernosky Subdivision No. 17 of record in Book 5 at page 130 of the Plat Records of Travis County, Texas; and,

WHEREAS, the owner of the above described property is resubdividing the above described lots in accordance with a short form subdivision on file in the Planning Department of the City of Austin, and has requested the City Council of the City of Austin to release such easement for public utility purposes; and,

WHEREAS, the City Council has determined that said easements in, upon and across the above described property is not now needed and will not be required in the future; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That W. T. Williams, Jr., City Manager of the City of Austin, be and he is hereby authorized to execute a release of the following described easements for public utility purposes, to-wit:

Four (4) strips of land five (5.00) feet in width; the strip of land hereinafter described as No. 1 being out of and a part of Lot 2, Block 13 of Chernosky Subdivision No. 17; the strip of land hereinafter described as No. 2 being out of and a part of Lot 3, Block 13 of said Chernosky Subdivision No. 17; the strip of land hereinafter described as No. 3 being out of and a part of Lot 44, Block 12 of said Chernosky Subdivision No. 17; the strip of land hereinafter described as No. 4 being out of and a part of Lot 43, Block 12, of said Chernosky Subdivision No. 17, said Chernosky Subdivision No. 17 being a subdivision out of and a part of the Santiago Del Valle Grant in the City of Austin, Travis County, Texas, according to a map or plat of said Chernosky Subdivision No. 17 of record in Book 5, at page 130 of the Plat Records of Travis County, Texas; each of the said four (4) strips of land five (5.00) feet in width being more particularly described as follows:

NO. 1 BEING all of the east five (5.00) feet of said Lot 2, Block 13, of Chernosky Subdivision No. 17;

- NO. 2 BEING all of the west five (5.00) feet of said Lot 3, Block 13, of Chernosky Subdivision No. 17;
- NO. 3 BEING all of the east five (5.00) feet of said Lot 44, Block 12, of said Chernosky Subdivision No. 17;
- NO. 4 BEING all of the south 85.40 feet of the west five (5.00) feet of the said Lot 43, Block 12 of said Chernosky Subdivision No. 17.

The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Armstrong, Shanks, White, Mayor Pro-tem Perry

Noes: None

Absent: Mayor Palmer

Councilman Armstrong offered the following resolution and moved its adoption:

## (RESOLUTION)

WHEREAS, a certain easement for public utility purposes was granted the City of Austin, in, upon and across Lot 90 of Enfield "F", ausubdivision of a portion of the George W. Spear League in the City of Austin, Travis County, Texas, according to a map or plat of said Enfield "F" of record in Book 3 at page 194-195 of the Plat Records of Travis County, Texas; and,

WHEREAS, the owner of the above described property has requested the City Council of the City of Austin to release the hereinafter described portion of such easement in order to clear title to said property; and,

WHEREAS, the City Council has determined that the hereinafter described portion of said easement in, upon and across the above described property, is not now needed and will not be required in the future; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That W. T. Williams, Jr., City Manager of the City of Austin, be and he is hereby authorized to execute a release of the following described portion of said public utility easement, to-wit:

Being all the North two (2.00) feet of the South Five (5.00) feet, of Lot 90 of Enfield "F", a subdivision of a portion of the George W. Spear League in the City of Austin, Travis County, Texas, according to a map or plat of said Enfield "F" of record in Book 3 at page 194-195 of the Plat Records of Travis County, Texas; which North two (2.00) feet of the south five (5.00) feet, of Lot 90, Enfield "F"; SAVE AND EXCEPT the West five (5.00) feet of the above described North two (2.00) feet of the south five (5.00) feet of said Lot 90.

The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Armstrong, Shanks, White, Mayor Pro-tem Perry

Noes: None

Absent: Mayor Palmer

Councilman Armstrong offered the following resolution and moved its adoption:

## (RESOLUTION)

WHEREAS, a certain easement for sanitary sewer purposes was granted the City of Austin between the north line of Brinwood Section 1, a subdivision of record in Book 13 at page 30 of the Plat Records of Travis County, Texas, and the south line of Liveoak Grove, a subdivision of record in Book Z at page 615 of the Plat Records of Travis County, Texas by instrument dated September 13, 1918 of record in Volume 305 at page 92 of the Deed Records of Travis County, Texas; and,

WHEREAS, the owners of the above described property have requested the City Council of the City of Austin to release such easement for sanitary sewer purposes; and,

WHEREAS, the City Council has determined that said easement in, upon and across the above described property is not now needed and will not be required in the future; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That W. T. Williams, Jr., City Manager of the City of Austin, be and he is hereby authorized to execute a release of the following described sanitary sewer easement, to-wit:

Being all that certain strip of land which lies between the north line of Brinwood Section 1, a subdivision of record in Book 13 at page 30 of the Plat Records of Travis County, Texas, and the south line of Liveoak Grove, a subdivision of record in Book Z at page 615 of the Plat Records of Travis County, Texas; said strip of land is to be released from the sanitary sewer easement provided for by instrument dated September 13, 1918 of record in Volume 305 at page 92 of the Deed Records of Travis County, Texas.

The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Armstrong, Shanks, White, Mayor Pro-tem Perry

Noes: None

Absent: Mayor Palmer

Mayor Pro-tem Perry introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CERTAIN CONTRACT WITH AUSTEX DEVELOPMENT COMPANY, LTD., FOR THE APPROPRIATION OF MONEY PAID TO THE CITY OF AUSTIN UNDER SUCH CONTRACT; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman White moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Armstrong, carried by the following vote:

Ayes: Councilmen Armstrong, Shanks, White, Mayor Pro-tem Perry

Noes: None

Absent: Mayor Palmer

The ordinance was read the second time and Councilman White moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Armstrong, carried by the following vote:

Ayes: Councilmen Armstrong, Shanks, White, May@r Pro-tem Perry

Noes: None

Absent: Mayor Palmer

The ordinance was read the third time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman Armstrong, carried by the following vote:

Ayes: Councilmen Armstrong, Shanks, White, Mayor Pro-tem Perry

Noes: None

Absent: Mayor Palmer

The Mayor Pro-tem announced that the ordinance had been finally passed.

Mayor Pro-tem Perry introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 39 OF THE AUSTIN CITY CODE OF 1954 AS FOLLOWS: (1) LOT 5, BLOCK K, DRIVING PARK ADDITION, LOCALLY KNOWN AS 2107 HOLLY STREET, FROM "A" RESIDENCE DISTRICT TO "C-1" COM-MERCIAL DISTRICT; (2) THE EAST 75 FEET OF LOT 31, BLOCK 3, SUBDIVISION OF OUTLOTS 63 AND 68, DIVISION D, LOCALLY KNOWN AS 2800 NUECES STREET AND 600-602 WEST 28TH STREET, FROM "B" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT; (3) LOT 6 AND THE EAST 35.4 FEET OF LOT 7, BLOCK 140, ORIGINAL CITY OF AUSTIN, LOCALLY KNOWN AS 609-613 EAST 12TH STREET, FROM "B" RESIDENCE DISTRICT AND "C-2" COMMERCIAL DISTRICT TO "C" COMMERCIAL DISTRICT; (4) LOTS 1-3, BLOCK 2, BROOKS SUBDIVISION, LOCALLY KNOWN AS 801-805 TIRADO STREET AND 6015-6019 MIDDLE FISKVILLE ROAD, FROM

"A" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT; (5) LOT 3 AND LOT 2 SAVE AND EXCEPT THE WEST 34.33 FEET OF THE NORTH 73.23 FEET OF LOT 2, BLOCK 8, GEORGE L. ROBERTSON SUBDIVISION, LOCALLY KNOWN AS 1009-1017 EAST 11TH STREET, FROM "C" COMMERCIAL DISTRICT TO "C-1" COMMERCIAL DISTRICT; (6) LOT 5, BLOCK 140, ORIGINAL CITY OF AUSTIN, LOCALLY KNOWN AS 615 EAST 12TH STREET AND 1112-1116 SABINE STREET, FROM "B" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT; (7) THE WEST 85 FEET OF LOTS 30-32, BLOCK 44, THE HIGH-LANDS, LOCALLY KNOWN AS REAR OF 100-108 EAST NORTH LOOP BOULEVARD, FROM "BB" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT; (8) LOT 9, BLOCK 55, ORIGINAL CITY OF AUSTIN, LOCALLY KNOWN AS 313 (309) EAST 16TH STREET, FROM "B" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT; (9) THE EAST 196.84 FEET OF LOT 1, TOBOLKA SUBDIVISION, LOCALLY KNOWN AS 2207-2211 RICHCREEK ROAD, FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT; (10) TRACT 1. LOT 87 AND THE NORTH 38 FEET OF LOT 88, OAKWOOD SUBDIVISION. LOCALLY KNOWN AS 3109-3115 LAMAR BOULEVARD, AND 3108-3114 OWEN AVENUE, FROM "A" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT; TRACT 2. (A) LOTS 1 AND 2, HARPER'S RESUBDIVISION OF THE WEST ONE-HALF OF BLOCK 1, AND ALL OF BLOCK 2, BROWN ADDITION, LOCALLY KNOWN AS 618-624 WEST 29TH STREET AND 2901-2903 RIO GRANDE STREET, FROM "C" COMMERCIAL DISTRICT TO "C-1" COMMERCIAL DISTRICT, AND (B) SIX PARCELS OF LAND LOCALLY KNOWN AS 614-622 WEST 30TH STREET AND THE REAR OF 3018-3026 GUADALUPE STREET, FROM "A" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT; ALL OF SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Shanks moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Armstrong, Shanks, White, Mayor Pro-tem Perry

Noes: None

Absent: Mayor Palmer

The ordinance was read the second time and Councilman Shanks moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Armstrong, Shanks, White, Mayor Pro-tem Perry

Noes: None

Absent: Mayor Palmer

The ordinance was read the third time and Councilman Shanks moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Armstrong, Shanks, White, Mayor Pro-tem Perry

Noes: None

Absent: Mayor Palmer

The Mayor Pro-tem announced that the ordinance had been finally passed.

MAYOR PERRY stated the city was working to attract more industry and he would like to see a study made to commit the use of city fire equipment in industrial areas outside of the City Limits to help industry on their fire insurance.

COUNCIIMAN ARMSTRONG stated today was a very important day for Mayor Perry as he was serving as Mayor for the first time. He presented Mayor Perry with a Bible from the Council. Mayor Perry expressed his appreciation and stated the job of being Mayor was a little bit harder than other jobs. He stated the reason he was on the Council was to serve his fellow man and he hoped there was no conflict in what he was doing and what was in this Book. Councilman Armstrong introduced Mayor Perry's mother, MRS. JULIA ROBINSON. Mrs. Lewis N. Little, sister of Mayor Perry, was present also.

COUNCILMAN SHANKS read a petition submitted by MRS. ROY GIBSON asking the removal of a nuisance on two lots located at 3403 and 3405 Owen Avenue owned by Mrs. Emmie Patterson. The petition stated the lots are covered with piles of brush which harbor skunks, opossoms, rats and armadillos and there is a constant fear of rabies epidemic. There is also an open well located on these premises which is not only a physical danger to the children in the neighborhood but is a breeding place for insects and mosquitoes. The Mayor referred this to the Health Department.

Councilman White offered the following resolution and moved its adoption: (RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That W. T. Williams, Jr., City Manager, be and he is hereby authorized and directed to execute that certain Wire Line License Agreement with the Missouri Pacific Railroad Company which is dated February 1, 1962. Said Wire Line License providing for two 3-inch and nine 4-inch crossings beneath Track No. 28 - 61; all of said crossings being within the right-of-way of San Antonio Street in the City of Austin.

The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Armstrong, Shanks, White, Mayor Pro-tem Perry

Noes: None

Absent: Mayor Palmer

The Acting City Manager, Mr. Reuben Rountree, filed with the Council the Paving Report for last month; and called attention to the Electric report filed with the Council.

The Assistant City Manager, Mr. Jim Wilson, stated they now have a recommendation from the Traffic Department regarding Green Lawn Parkway.

Councilman White moved that the Sheriff's Office be granted three additional parking spaces adjacent to the spaces they now have at the County Court House on Guadalupe Street. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Armstrong, Shanks, White, Mayor Pro-tem Perry

Noes: None

Absent: Mayor Palmer

Councilman Shanks asked that Mr. Klapproth, Traffic and Transportation Department, make a study of 35th Street and Exposition Boulevard.

MRS. BARROW and MRS. LOWE inquired about railroad crossings and what control the City has over these. They inquired why the crossings are fixed and then torn up. The Mayor asked Mr. Rountree to check this.

The Assistant City Manager called attention to the MOSAIC AERIAL PHOTO on display in the Council Room. Mr. Hoyle Osborne, Director of Planning, stated it contained 250 square miles and this was the first stage of the aerial maps. The rest would be in sections and would be 8 times larger. He stated these photos were taken from about 1200' and the photos are quite unusual.

Councilman White offered the following resolution and moved its adoption: (RESOLUTION)

WHEREAS, by virtue of an order of sale issued out of the 53rd District Court of Travis County, Texas, in Cause No. 121,746, styled City of Austin vs. Rhoda Jones, et al, the hereinafter described property was sold for taxes by the Sheriff of Travis County, Texas, by deed dated April 5, 1962, being of record in Volume 2441, page 114-115, Deed Records of Travis County, Texas; and,

WHEREAS, Manuel Rios and wife, Nicolasa Rios are desirous of purchasing the hereinafter described property; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That William T. Ward, be appointed as Commissioner, and he is hereby authorized to execute a quitclaim deed on behalf of the City of Austin and as Statutory Trustee for the State of Texas and County of Travis and Austin Independent School District conveying all of their right, title and interest in and to the following described property to Manuel Rios and wife, Nicolasa Rios, said property being more particularly described as follows, to-wit:

All of that certain lot, tract of parcel of land lying and being situated in the County of Fravis, State of Texas known and described as follows: Lot Ten (10) in Block Four (4) in the R. H. Peck Subdivision of Outlot. Four (4), Division "O" in the City of Austin according to the map or plat of said Subdivision recorded in Volume S, page 551 of the Deed Records of Travis County, Texas.

The motion, seconded by Councilman Armstrong, carried by the following vote:

Ayes:

Councilmen Armstrong, Shanks, White, Mayor Pro-tem Perry

Noes: None

Absent: Mayor Palmer

Councilman Armstrong noted today was the first birthday of Councilman Shanks' grandchild and Councilman White moved that he be commended for surviving one year as the grandchild of Councilman Shanks. The motion, seconded by Councilman Armstrong, carried by the following vote:

Ayes: Councilmen Armstrong, White, Mayor Pro-tem Perry

Noes: None

Absent: Mayor Palmer

Present but not voting: Councilman Shanks

MRS. KATHLEEN PERRY, wife of Mayor Perry, presented a cake to the Mayor.

There being no further business, Councilman Armstrong moved that the Council adjourn. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Armstrong, Shanks, White, Mayor Pro-tem Perry

Noes: None

Absent: Mayor Palmer

The Council adjourned at 11:30 A.M., subject to the call of the Mayor.

APPROVED

Mayor Pro-tem

ATTEST:

Assistant City Clerk